### IN THE UNITED STATES BANKRUPTCY COURT

#### FOR THE DISTRICT OF SOUTH CAROLINA

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IN RE:	) CASE NO.: 01-07301 ) CHAPTER 13	DISTRICT OF SOUTH CAROLINA
LEO T. ZWAYER BEVERLY A. ZWAYER	) ) )	- CAROLINA
Debtors.	)	

TO: All Creditors and Parties of Interest:

# NOTICE AND APPLICATION FOR SALE OF PROPERTY FREE AND CLEAR OF LIENS

YOU ARE HEREBY NOTIFIED that the debtors, Leo and Beverly Zwayer are applying for approval to sell the property of the debtors' estate described below free and clear of all liens and encumbrances according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return, and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than twenty (20) days from service of this motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on December 12, 2001, at 1:30 p.m., at 145 King Street, Room 225, Charleston, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: private

PROPERTY TO BE SOLD: 7 James F. Byrnes, Beaufort, South Carolina

PRICE: \$101,000.00

APPRAISAL VALUE: \$101,000.00

BUYER: Meredith Helms

PLACE AND TIME OF SALE: Pending Order of Court

SALES AGENT/AUCTIONEER/BROKER:

# COMPENSATION TO SALE AGENT/AUCTIONEER/BROKER/ETC.:

ESTIMATED TRUSTEE'S COMPENSATION: The trustee will receive any funds remaining after the mortgages and the settle statement fees have been paid.

LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY: first Mortgage to Navy Federal Credit Union in the amount of \$63,026.62; 2<sup>nd</sup> mortgage to BB&T in the amount of \$23,570.62.00

DEBTOR'S EXEMPTION: \$00.00

## PROCEEDS TO BE PAID TO ESTATE:

Applicants are informed and believe that it would be in the best interest of the estate to sell said property by private sale. Applicants also believe that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

The trustee or debtor in possession, as applicable, may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

Date: 11 8 , 2001

Philip Fairbanks I.D. # 756

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Attorney for Debtor(s)